

United States District Court
Southern District of Texas

ENTERED

July 13, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JANE DOE,

Plaintiff,

vs.

CIVIL ACTION NO. 4:18-cv-02389

U.S. DEPARTMENT OF HOMELAND SECURITY;
KIRSTJEN NIELSEN, Secretary of the Department of Homeland Security;
U.S. CITIZENSHIP AND IMMIGRATION SERVICES;
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;
RONALD D. VITIELLO, Deputy Director and Acting Director, U.S. Immigration and Customs Enforcement;
MATTHEW T. ALBENCE, Executive Associate Director for Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement;
BRIAN MANNING, Asylum Officer, U.S. Immigration and Customs Enforcement;
U.S. CUSTOMS AND BORDER PROTECTION;
JOHN DOES, Officers and Employees of U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, and U.S. Citizenship and Immigration Services;
JEFFERSON BEAUREGARD SESSIONS III, Attorney General of the United States, all in their official capacities,

Defendants.

TEMPORARY RESTRAINING ORDER

This matter is before the Court on Plaintiff's Emergency Motion for Temporary Restraining Order and Preliminary Injunction. On July 11, 2018, Plaintiff Jane Doe filed her

Petition for Habeas Corpus and Complaint for Injunctive and Declaratory Relief in the above-captioned action alleging violations of her First and Fifth Amendment rights, the Administrative Procedure Act, and applicable federal law.

Upon consideration of Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction, the parties' briefing, accompanying declarations, and oral argument, this Court finds that Plaintiff has demonstrated a need for a temporary restraining order in this case. Plaintiff has demonstrated a reasonable likelihood of succeeding on the merits of her petition for habeas corpus and her claims for injunctive and declaratory relief. She has also established that she will suffer overwhelming and irreparable injury in the absence of a temporary restraining order. Specifically, she will be at risk of imminent physical harm in her home country. Further, she will continue to be deprived of her constitutional rights, which "unquestionably constitutes irreparable injury." *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)); *see also Def. Distributed v. United States Dep't of State*, 865 F.3d 211, 214 (5th Cir. 2017) ("[I]rreparable harm occurs whenever a constitutional right is deprived, even for a short period of time."). She has also established that the threatened injury outweighs any inconvenience or damage it may cause Defendants and that a temporary restraining order is in the public interest.

Accordingly, it is hereby ORDERED that Defendants and all their respective officers, agents, servants, employees, attorneys, and persons acting in concert or participation with them are:

1. Enjoined and restrained from executing any orders of removal against Plaintiff and her daughter until: (1) Plaintiff is reunited with her daughter, as required by the existing injunction in *Ms. L., et al. v. U.S. Immigration & Customs Enforcement, et al.*, No. 3:18-cv-428 (S.D. Cal. Jun. 26, 2018); (2) Plaintiff is provided with immigration judge review of her negative credible fear finding as prescribed by the applicable statutes, regulations and the U.S. Constitution; and

(3) Plaintiff is provided with whatever further levels of review to which the applicable statutes, regulations and the U.S. Constitution entitle her, which she seeks, if the negative credible fear determination is upheld by the immigration judge.

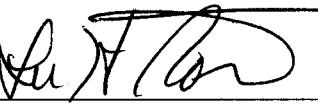
This Temporary Restraining Order shall take effect immediately and shall expire in 14 days from the date and time of entry, unless before that time the court, for good cause, extends it for a like period or the adverse party consents to a longer extension.

The Court further determines that no bond is needed or appropriate in this case.

IT IS SO ORDERED.

HOUR OF ISSUANCE: 12:00 p.m.

DATE OF ISSUANCE: July 13, 2018.



UNITED STATES DISTRICT JUDGE
LEE H. ROSENTHAL